

APPOINTMENT OF ADDITIONAL MEMBERS TO ATTEND FUNERAL OF LATE HON. JULIAN C. DIXON

The SPEAKER pro tempore. Pursuant to House Resolution 671, the Chair announces the Speaker's additional appointment of the following Members of the House to the Committee to attend the funeral of the late Julian C. Dixon.

Mr. TOWNS, New York;

Mrs. CLAYTON, North Carolina;

Ms. BROWN, Florida;

Mr. WATT, North Carolina.

NAVAJO NATION TRUST LAND LEASING ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 161) to correct the enrollment of H.R. 5528 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power . . . to regulate Commerce . . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary.";

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

"(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

"(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

"(i) make a written determination with respect to the regulations that have been violated;

"(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

"(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the

Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation."

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HOME HEATING OIL PRICES RISING STEADILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, home heating oil prices are rising steadily. An immensely cold winter is predicted to come to us in the next several days. Natural gas is becoming scarce. And out in the West we learn that in California there are warnings out to not light the Christmas trees. The people of California are being asked not to turn on their electricity for Christmas.

The Secretary of Energy just recently tried to alleviate the severe electric shortage and power shortage of California and asked the other western States north of California and their utilities to furnish electricity elements to California.

Senator DOMENICI yesterday dared us to look at what has happened in California without fear and without trepidation. He says there is a wave of rolling brownouts and blackouts coming from California across the country to us, brownouts and blackouts meaning energy shortages and measures that municipalities and homeowners must take to conserve electricity.

This is unacceptable for our country, and it goes to the core of what we have been saying for 8 years now, that we have been traveling along the price of higher fuel and shortages of electricity on the backs of the lack of an energy policy in our country.

That is why in the spring of this year I introduced a bill that would create a commission that would try to put together all the elements, all the resources that we have so that we can declare energy independence within 10 years, so that this commission can look at the ANWR reserves, the Alaska reserves, offshore drilling, natural gas, domestic drilling, coal reserves, solar energy, all the various resources that we have at our command if only we would use them to bring about energy independence in 10 years so no longer would we have to kneel at the throne of OPEC to ask them to produce more oil and to reduce prices. That is unheard of for our modern society.

In that energy policy proposal that I made, the gentleman from Alaska (Mr. YOUNG), who is an expert on ANWR and Alaskan oil and energy generally, was the prime cosponsor with me; and he, as chairman of his committee, accorded me a hearing on this matter. He agrees that we ought to put something in place.

I am sure that the President of the United States soon to be sworn in,

George Bush, will attend to this matter and his energy secretary is going to have this as a priority. I know that. But we in Congress have to help them along by establishing these long-term investigations into our resources.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, first let me compliment the gentleman on his outstanding piece of legislation. It does bring to the forefront the lack of an energy policy, and his bill does set up a commission to say, we have to address all forms of energy so we have what I call the wheel of energy to provide the necessity for the center of the wheel to make it work.

As the gentleman mentioned, with coal, 64 percent develops our electrical energy now. We need nuclear. We need gas. We need oil. And, yes, even some hydro, wind power, solar power, all collected in the need for the BTUs.

We have requested, I have requested, an energy policy for the last 20 years and been turned down by the past administration that has not sought to not seek an energy policy.

So I want to compliment the gentleman for bringing this to the forefront. Because gas right now, natural gas, 1 year ago was \$2 and today it is \$9 on the market. So we do need this policy, and I want to compliment the gentleman for his resolution.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his comments.

There is another immediate dividend that I think will come from the establishment of the commission and forward movement on establishing an energy policy. I believe that OPEC, seeing what is happening, will automatically start to drop the prices.

Unfortunately for us who want this energy policy, that may give us some sort of relief that we will not have the will to go on with determining our own fate in energy. But I am willing to take that chance. We have got to have an energy policy. We have to stand pat against OPEC and become energy independent as a Nation in 10 years.

HEATING OIL SHORTAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman from Pennsylvania (Mr. GEKAS) will continue with this dialogue, one of the things that a lot of people in America do not realize is that the reason we have the prosperity we have today is because we have had cheap energy.

Some people think that is wrong, that we ought to take and conserve all the energy. But if we want to grow, we have a supply and an abundance of energy so we can have the high-tech and the computer industry, by the way, which now uses 27 percent of our electrical power which did not happen 15 years ago. Twenty-seven percent of our

electrical power today is consumed by computers.

For those that are in the computer world, think about it: when power goes down, their computer goes off. That means the airplanes do not fly. That means the stoplights do not work. That means this country comes to a halt.

And so what the gentleman has said, let us get a policy so that the future generations, yes, and the present generations in reality will have a constant supply of reasonably priced energy.

But if the gentleman would like for one moment to address something for me, he mentioned that if we do this the OPEC countries may drop their price. I happen to agree.

What would the gentleman think we should do, though, maybe what the commission can do, to solve that problem.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I have not been able to predict exactly what would happen. It seems to me that we ought to start a course on energy independence and go to it without respect to what OPEC does.

All I am saying is we will have an extra dividend to lower prices almost immediately, but then our domestic drillers will have to be given additional incentive to continue producing; and that may require tax incentive-types of legislation that we would have to put into place along with our energy policy.

Mr. YOUNG of Alaska. Mr. Speaker, reclaiming my time, again, the commission can probably recognize what we can do to solve that problem. Because I expect what the gentleman said will come true, the first time the OPEC countries sees that we are serious about setting up a supply of energy, they will lower their prices so maybe some of my constituents and his constituents and the people in Florida's House will say, well, there is no need for this, let us not drill an ANWR.

Although, by the way, it only disrupts 12,000 acres out of 19 million acres.

Mr. GEKAS. Mr. Speaker, if the gentleman will continue to yield, which reminds me, we are told, and the press knows more about it, that the current President, President Clinton, is contemplating a monument executive order in which he sets aside x amount of land and other resources in Alaska keeping them from development in what we are seeking here.

Can the gentleman tell us about that?

Mr. YOUNG of Alaska. Mr. Speaker, there is that possibility. I think it would be a terrible disservice to the country.

I would like to remind the gentleman and people that might be listening that this area is a very small area that has a tremendous abundance of oil, probably 39 billion barrels of oil, that can be accessible to the people in the lower 48 so we would not have to buy that